

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 766**

---

**Introduced by Senator Yee**

February 22, 2013

---

An act to amend Section ~~1275~~ 1596.656 of, and to add Division 2.3 (commencing with Section 1796) to, the Health and Safety Code, relating to ~~health facilities~~ child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 766, as amended, Yee. ~~Health facilities: standards for health facility physical plants. Ancillary day care centers.~~

Existing law requires the Office of Statewide Health Planning and Development to adopt and enforce regulations prescribing building standards for the adequacy and safety of health facility physical plants. *a person 18 years of age or older who provides child care or child care supervision in an ancillary day care center, as defined, to be registered as a trustline provider, as specified. A person is prohibited from being a trustline provider if he or she is not eligible to obtain a child care license. Existing law generally requires a trustline provider to submit to a criminal history check. A person who is a current licensee or employee in a facility licensed by the State Department of Social Services may, in lieu of a criminal history check, transfer his or her criminal record clearance and instead submit a declaration to the department. Submitting a willful false declaration is a misdemeanor.*

~~This bill would make technical, nonsubstantive changes to these provisions.~~ *require a person who is otherwise responsible for engaging with children cared for in an ancillary day care center to be registered as a trustline provider. By increasing the scope of an existing crime, the bill would impose a state-mandated local program.*

*The bill would require an ancillary day care center to comply with certain requirements, including the requirements to maintain specified care provider-child ratios and ensure the presence, at all times, of at least one care provider who is 18 years of age or older.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1596.656 of the Health and Safety Code  
2     is amended to read:

3     1596.656. (a) A person 18 years of age or older, who provides  
4     child care or child care supervision, *or is otherwise responsible*  
5     *for engaging with children cared for* in an ancillary day care center,  
6     as defined in Section 1596.60, shall be registered pursuant to  
7     Sections 1596.603 and 1596.605. Nothing in this chapter shall be  
8     construed to prevent a person under 18 years of age from being  
9     employed in an ancillary day care center.

10    (b) Notwithstanding any provision of law to the contrary, if a  
11    person 18 years of age or older is denied trustline registration by  
12    the department pursuant to Section 1596.605 or 1596.607, or if  
13    the department revokes a person's trustline registration pursuant  
14    to Section 1596.608, that person shall be ineligible for employment  
15    in a position providing child care or child care supervision in an  
16    ancillary day care center.

17    (c) If an existing employee providing child care or child care  
18    supervision in an ancillary day care center, or a prospective  
19    employee seeking employment in a position that provides child  
20    care or child care supervision in an ancillary day care center,  
21    submits an application to the department to become a registered  
22    trustline child care provider, that existing or prospective employee  
23    shall be deemed to be in compliance with the requirements of this  
24    section and permitted to work in a position providing child care  
25    or child care supervision pending the department's review of his

1 or her trustline application. The existing or prospective employee  
2 shall become ineligible for employment providing child care or  
3 child care supervision in an ancillary day care center if the  
4 department denies his or her trustline application and any right to  
5 appeal the department's denial has been exhausted or has expired.

6 (d) This section shall become operative on January 1, 2011.

7 *SEC. 2. Division 2.3 (commencing with Section 1796) is added*  
8 *to the Health and Safety Code, to read:*

9  
10 *DIVISION 2.3. ANCILLARY DAY CARE CENTERS*  
11

12 *1796. An ancillary day care center, as defined in Section*  
13 *1596.60, shall comply with all of the following requirements:*

14 (a) *Maintain a ratio of no more than 10 children to each care*  
15 *provider for children ages 0 to 6 years, inclusive, and maintain a*  
16 *ratio of no more than 15 children to each care provider for children*  
17 *ages 7 to 17, inclusive.*

18 (b) *Ensure the presence, at all times, of at least one care*  
19 *provider who is 18 years of age or older.*

20 (c) *Ensure that any substitute care providers, or staff responsible*  
21 *to engage with children that are present in the ancillary day care*  
22 *center are registered pursuant to Sections 1596.603 and 1596.605.*

23 (d) *Ensure that at least one care provider present in the center*  
24 *has received health and safety training, including training in*  
25 *pediatric first aid and current training in pediatric*  
26 *cardiopulmonary resuscitation.*

27 (e) *Establish health and safety protocols and inform staff and*  
28 *parents of the established protocols, which may include, but are*  
29 *not limited to, notifying parents of incidents at the center and use*  
30 *of emergency medical services.*

31 *SEC. 3. No reimbursement is required by this act pursuant to*  
32 *Section 6 of Article XIII B of the California Constitution because*  
33 *the only costs that may be incurred by a local agency or school*  
34 *district will be incurred because this act creates a new crime or*  
35 *infraction, eliminates a crime or infraction, or changes the penalty*  
36 *for a crime or infraction, within the meaning of Section 17556 of*  
37 *the Government Code, or changes the definition of a crime within*  
38 *the meaning of Section 6 of Article XIII B of the California*  
39 *Constitution.*

1 ~~SECTION 1. Section 1275 of the Health and Safety Code is~~  
2 ~~amended to read:~~

3 ~~1275. (a) The department shall adopt, amend, or repeal, in~~  
4 ~~accordance with Chapter 3.5 (commencing with Section 11340)~~  
5 ~~of Part 1 of Division 3 of Title 2 of the Government Code and~~  
6 ~~Chapter 4 (commencing with Section 18935) of Part 2.5 of Division~~  
7 ~~13, any reasonable rules and regulations as may be necessary or~~  
8 ~~proper to carry out the purposes and intent of this chapter and to~~  
9 ~~enable the department to exercise the powers and perform the~~  
10 ~~duties conferred upon it by this chapter, not inconsistent with a~~  
11 ~~statute of this state including, but not limited to, the State Building~~  
12 ~~Standards Law, Part 2.5 (commencing with Section 18901) of~~  
13 ~~Division 13.~~

14 ~~All regulations in effect on December 31, 1973, that were~~  
15 ~~adopted by the State Board of Public Health, the State Department~~  
16 ~~of Public Health, the State Department of Mental Hygiene, or the~~  
17 ~~State Department of Health Care Services relating to licensed~~  
18 ~~health facilities shall remain in full force and effect until altered,~~  
19 ~~amended, or repealed by the director or pursuant to Section 25 or~~  
20 ~~other provisions of law.~~

21 ~~(b) Notwithstanding this section or any other law, the Office~~  
22 ~~of Statewide Health Planning and Development shall adopt and~~  
23 ~~enforce regulations prescribing building standards for the adequacy~~  
24 ~~and safety of health facility physical plants.~~

25 ~~(c) The building standards adopted by the State Fire Marshal~~  
26 ~~and the Office of Statewide Health Planning and Development,~~  
27 ~~pursuant to subdivision (b), for the adequacy and safety of~~  
28 ~~freestanding physical plants housing outpatient services of a health~~  
29 ~~facility licensed under subdivision (a) or (b) of Section 1250 shall~~  
30 ~~not be more restrictive or comprehensive than the comparable~~  
31 ~~building standards established, or otherwise made applicable, by~~  
32 ~~the State Fire Marshal and the Office of Statewide Health Planning~~  
33 ~~and Development to clinics and other facilities licensed pursuant~~  
34 ~~to Chapter 1 (commencing with Section 1200).~~

35 ~~(d) Except as provided in subdivision (f), the licensing standards~~  
36 ~~adopted by the department under subdivision (a) for outpatient~~  
37 ~~services located in a freestanding physical plant of a health facility~~  
38 ~~licensed under subdivision (a) or (b) of Section 1250 shall not be~~  
39 ~~more restrictive or comprehensive than the comparable licensing~~

standards applied by the department to clinics and other facilities licensed under Chapter 1 (commencing with Section 1200):

(e) Except as provided in subdivision (f), the state agencies specified in subdivisions (c) and (d) shall not enforce any standard applicable to outpatient services located in a freestanding physical plant of a health facility licensed pursuant to subdivision (a) or (b) of Section 1250, to the extent that the standard is more restrictive or comprehensive than the comparable licensing standards applied to clinics and other facilities licensed under Chapter 1 (commencing with Section 1200):

(f) All health care professionals providing services in settings authorized by this section shall be members of the organized medical staff of the health facility to the extent medical staff membership would be required for the provision of the services within the health facility. All services shall be provided under the respective responsibilities of the governing body and medical staff of the health facility.

(g) For purposes of this section, “freestanding physical plant” means a building that is not physically attached to a building in which inpatient services are provided.